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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,536	08/31/2001	Lee C. Moore	D/A0A45	3291
7590	08/10/2006		EXAMINER	
Patrick R. Roche, Esq. Fay, Sharpe, Fagan, Minnich & McKee, LLP 1100 Superior Avenue, 7th Floor Cleveland, OH 44114-2518				KOYAMA, KUMIKO C
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/944,536	MOORE, LEE C.
	Examiner	Art Unit
	Kumiko C. Koyama	2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 March 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 2,4-8,10-13,15-18 and 20-28 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 2,4-8,10-13,15-18 and 20-28 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 31 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

Amendment received on March 06, 2006 has been acknowledged.

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 10, 2006 has been entered.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2, 7 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Sotomayor (US 5,963,205).

Sotomayor discloses an automatic index creation for a word processor. Sotomayor discloses that HTML allows an author to specify up to six levels of heading information bracketed by six different tokens. These tokens are considered as sub-section delimiter and the tokens are predetermined machine readable symbol. The table-of-contents

summary page 80 comprises a table of contents, generated from the heading tokens inserted into source document 20 by its author, automatically derived by the summary page generator (col 10, lines 2-6). Since the heading tokens are inserted into source document 20 by its author, Sotomayor discloses determining a sub-section delimiter definition. Sotomayor discloses that the IPF paragraph objects for the source document 20 is scanned to find all headings in a document (col 15, lines 60-63). Such disclosure teaches searching the document to find occurrences of items corresponding to the define sub-section delimiter. Sotomayor also discloses that for the table-of-contents index list 43, the summary page generator 40 always generates all 6 heading levels rather than giving the user the ability to select the number of level headings (col 15, lines 60-63 and col 16, lines 1-5). Such disclosure teaches generating the index for the document with all found items corresponding to the sub-section delimiter occurrences.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 4, 5, 8, 10-13, 18 and 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sotomayor (US 5,963,205) in view of Saito et al (US 6,353,840).

Sotomayor discloses an automatic index creation for a word processor. Sotomayor discloses that HTML allows an author to specify up to six levels of heading information bracketed by six different tokens. These tokens are considered as sub-section delimiter

and the tokens are predetermined machine readable symbol. The table-of-contents summary page 80 comprises a table of contents, generated from the heading tokens inserted into source document 20 by its author, automatically derived by the summary page generator (col 10, lines 2-6). Since the heading tokens are inserted into source document 20 by its author, Sotomayor discloses determining a sub-section delimiter definition. Sotomayor discloses that the IPF paragraph objects for the source document 20 is scanned to find all headings in a document (col 15, lines 60-63). Such disclosure teaches searching the document to find occurrences of items corresponding to the define sub-section delimiter. Sotomayor also discloses that for the table-of-contents index list 43, the summary page generator 40 always generates all 6 heading levels rather than giving the user the ability to select the number of level headings (col 15, lines 60-63 and col 16, lines 1-5). Such disclosure teaches generating the index for the document with all found items corresponding to the sub-section delimiter occurrences. Sotomayor also discloses a computer stored document (col 33, lines 30-33), and therefore, Sotomayor teaches a document storage device.

Sotomayor fails to teach a document input device operative to provide an electronic version of a document, search for text and a document divider to operative to divide the document into sub-sections. Sotomayor also fails to teach scanning the document to generate scanned document data and performing recognition functions on the scanned document data to generate a recognized version of the document.

Saito discloses a user-defined search template for extracting information from documents. Saito discloses that documents are either stored in a storage device such as a hard disk unit 50 after they are scanned by the scanner 90 (col 5, lines 1-5). Saito also

teaches a division unit 205 that divides the document image into separate sub-areas (col 5, lines 55-57) and displaying the areas to an end user (col 2, line 1). Saito discloses an optical character recognition unit (OCR) that converts alphanumeric characters in the character sub-area into computer recognizable data such as in an ASCII format (col 5, lines 60-65). To generate the user-defined search template, the display unit displays a menu from which a user selects elements of the documents via the user-input unit. Based upon the selected elements, predetermine information is automatically extracted, and the selected elements and the associated information are stored as a user-defined template (col 5, lines 5-11). The exemplary search template includes a user-defined element name, their corresponding coordinates, indentation, font size, font type, as well as no of lines (col 8, lines 30-35).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Saito the teachings of Sotomayor in order to provide an automatic index generating that accommodates paper documents source as well as electronic word document sources to further expand the usefulness of the automated index generation. Such modification also expands the marketable area.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sotomayor in view of Kuga et al (US 5,276,616). The teachings of Sotomayor have been discussed above.

Sotomayor fails to teach displaying the created index, checking that the displayed index is correct and correcting the index.

Kuga further discloses an index generating unit 6 including an index entry list generator 22 connected to text storage 20 for extracting index entries from the textual data, an index entry storage 24 connected to index entry list generator 22 for storing the index entries outputted from the generator 22, and an index editor 26 for editing the index entries stored in index entry storage 24 based on the instructions from the input unit 2, which includes a keyboard (col 7, line 24) and for applying the edited index entries to printer 10. Such disclosure teaches checking and correcting the index. Index editor 26 is for alphabetically rearranging the index entries and classifying the same into different initial letters to enable printing of the index (col 7, lines 40-52). Kuga also discloses a text input unit, which is a flexible disk driver for applying text data stored in an external medium to text editor 18, and the output of the text editor is connected to display (col 7, lines 34-36). Such disclosure teaches that the text is in an electronic form. Kuga further discloses that the input unit 2 is to enable input by an operator by generating signals such as character data or operation codes in response to a manual operation, a text editing unit 4 connected to the input unit 2, a display unit 8 for displaying the edited text or the like, an index generating unit 6 connected to input unit 2 and text editing unit 4 for automatically generating an index from the text edited by text editing unit 4 and index generating unit for printing the edited text or the index on paper 28 (col 7, lines 10-23). Kuga teaches a keyword database for storing extracted set of keywords that are updated and added by the operator through the keyboard (col 3, lines 35-45).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Kuga to the teachings of

Sotomayor in order to ensure the accuracy of the index such that erroneous results are not produced as a result from misinterpreted or misread document indexes.

7. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sotomayor in view of Saito as applied to claim 10 above, and further in view of Schmidt et al (US 4,903,229). The teachings of Sotomayor as modified by Saito have been discussed above.

Sotomayor as modified by Saito fail to teach that the print engine comprises a xerographic printer.

Schmidt teaches a forms generating and information retrieval system utilizing a xerographic print engine 24 (col 2 line 34).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Schmidt to the teachings of Sotomayor as modified by Saito because the xerographic print engine generates forms and inures the benefits of graphic reproduction.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sotomayor in view of Saito and Schmidt as applied to claim 15 above, and further in view of Herregods et al (US 6,064,397). The teachings of Sotomayor as modified by Saito and Schmidt have been discussed above.

Sotomayor as modified by Saito and Schmidt fail to teach that the print engine comprises an inkjet printer.

Herregods teaches that a printer can be an inkjet printer (col 1 line 42).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Herregods to the teachings of

Sotomayor as modified by Saito and Schmidt because an inkjet printer can provide a reproduction of colored document, therefore it can provide a more precise reproduction of the document when the document includes colored features.

*Response to Arguments*

9. Applicant's arguments with respect to claims 2, 4-8, 10-13, 15-18 and 20-28 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 571-272-2394. The examiner can normally be reached on Monday-Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Kumiko C. Koyama*  
Kumiko C. Koyama  
August 07, 2006

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PRIMARY EXAMINER